

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Derrick Lee Cardello-Smith,

Plaintiff,

Case No. 24-13459

v.

Judith E. Levy

United States District Judge

Sean Combs,

Defendants

Mag. Judge Kimberly G. Altman

_____/

OPINION AND ORDER

On June 10, 2024, *pro se* Plaintiff Derrick Lee Cardello-Smith filed this action in state court against Defendant Sean Combs. On October 7, 2024, Defendant Sean Combs removed the action to this Court. On January 22, 2025, the Court issued an opinion and order dismissing the case with prejudice. (ECF No. 92.)

In its opinion on January 22, 2025, the Court “caution[ed] Plaintiff to refrain from duplicative, frivolous, or harassing filings, including the filing of additional lawsuits related to the allegations in this case or the filing of unnecessary papers on the dockets of cases that have been dismissed.” (ECF No. 92, PageID.1749 (emphasis added).) The Court

warned that “[f]ailure to heed this warning will result in significant prefiling restrictions being placed on Plaintiff.” (*Id.*) It further warned that “failure to heed the Court’s warnings put[s] him at risk of incurring monetary sanctions.” (*Id.* at PageID.1751.)

In an opinion and order on March 4, 2025, the Court reiterated, “Plaintiff continues to file repetitive and meritless motions in violation of the Court’s warnings” and stated that “further violation of these warnings may result in an order enjoining him from future filings.” (ECF No. 107, PageID.1826.)

“There is nothing unusual about imposing prefiling restrictions in matters with a history of repetitive or vexatious litigation.” *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998)). “The filing of frivolous lawsuits and motions strains an already burdened federal judiciary.” *Viola v. Cuyahoga Cnty. Land Bank*, No. 1:21 CV 1196, 2021 WL 5015486, at *9 (N.D. Ohio Oct. 28, 2021), *aff’d sub nom. Viola v. Cuyahoga Cnty. Land Reutilization Corp.*, No. 21-4139, 2023 WL 3725063 (6th Cir. Feb. 15, 2023). “Our ability to perform our duties is compromised when we are forced to devote limited resources to the

processing of repetitious and frivolous filings.” *Id.* (citing *In re Sindram*, 498 U.S. 177, 179–80 (1991)).

The Court gives a final warning to Plaintiff to refrain from duplicative, frivolous, fraudulent, or harassing filings. Failure to heed this warning will result in significant pre-filing restrictions being placed on Plaintiff, which may include the following: no further filings will be accepted in this matter; any future related filings will be stricken, even if filed in a separate case; and Plaintiff will be enjoined from filing any new lawsuits or other documents without first seeking and obtaining leave of the Court.

IT IS SO ORDERED.

Dated: April 28, 2025
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 28, 2025.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager